REMARKS

Status of the Claims

Claims 1-20 are currently present in the Application, and claims 1, 8, and 14 are independent claims. No claims have been amended, canceled, or added in this Response.

Examiner Interview

Applicants note with appreciation the Examiner Interview conducted between Examiner Peezo and Applicants' undersigned attorney. Applicants' attorney and Examiner Peezo discussed differences between Applicants' claimed invention and the prior art reference (Macleod Beck et al., U.S. Pat. No. 6,170,011) used in the § 102 rejection of some of Applicants' claims. In particular, Applicants' attorney and the Examiner agreed that the Macleod Beck reference did not teach or suggest a "command descriptor block" that is taught and claimed by Applicants.

Allowable Subject Matter

Applicants note with appreciation the allowance by the Examiner of claims 8-13. In addition, claims 3-5, 7, 16-18, and 20 were objected to as being dependent on a rejected claim, but were deemed allowable if rewritten in independent form.

Drawings

Applicants note with appreciation the acceptance, by the Examiner, of Applicants' formal drawings that were filed with the Application.

Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102

Claims 1, 2, 6, 14, 15, and 19 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,170.011 to Macleod Beck et al. (hereinafter "Macleod Beck"). Applicants respectfully traverse the rejections.

To anticipate a claim, the reference must teach every element of the claim (Manual of Patent Examining Procedure § 2131). Applicants respectfully submit that

Macleod Beck does not anticipate independent claims 1, 2, 6, 14, 15, and 19 because Macleod Beck does not teach each and every element of the rejected claims. Applicants' rejected independent claims 1 and 14 are directed towards a method and a computer program product that inherently manages the functionality of a device, the method and computer program product including limitations of:

- generating a command descriptor block using a functionality value, the functionality value corresponding to a functionality level of the device; and

- sending the command descriptor block to the device, the command descriptor block adapted to inherently change the functionality of the device corresponding to the functionality value.

As discussed with the Examiner during the Examiner interview, Macleod Beck simply does not teach or suggest generating or otherwise using a "command descriptor block" as claimed by Applicants.

The Office Action suggests that the limitations of the rejected independent claims are taught by Macleod Beck, citing the abstract and Figure 5 of the Macleod Beck patent. A review of the Macleod Beck reference, and the abstract and Figure 5 in particular, reveals that Macleod Beck simply does not teach or suggest "generating a command descriptor block using a functionality value, the functionality value corresponding to a functionality level of the device," as claimed by Applicants.

The Abstract of Macleod Beck is as follows:

A campaign module in a multimedia cal center has programmable dynamic campaign module (DCM) for facilitating and monitoring outbound campaigns. The DCM comprises an interaction-level monitoring function for monitoring interaction level of the MMCC according to programmed criteria, and comparing the real-time level with a preset threshold, a search and retrieve function for searching a data repository storing records of interactions and retrieving interaction data for specific interactions according to programmed criteria, a scripting function for selecting agents of the MMCC for participating in a campaign, and for

preparing task lists for said agents; and an initiation function for initiating a campaign and distributing the task lists to the selected agents. During times of interaction level above the preset threshold the DCM searches the data repository, retrieves data, and prepares agent and task lists for a campaign, and when the interaction level falls below the preset threshold, the DCM launches and distributes task lists to agents selected for a campaign.

In essence, Macleod Beck teaches a "multi-media call center" (MMCC) with a "programmable dynamic campaign module" (DCM) that facilitate and monitor "outbound campaigns." Importantly, however, Macleod Beck does not teach or suggest generating or using a command descriptor block for inherently managing the functionality of a device. It logically follows that Macleod Beck simply does not teach or suggest sending the command descriptor block to a device with the command descriptor block inherently changing the functionality of the device using a functionality value included with the command descriptor block.

Figure 5 of Macleod Beck was also cited as teaching the limitations found in Applicants' rejected independent claims 1 and 14. Macleod Beck describes Figure 5 as being "a block diagram of an exemplary WEB-form customer interface according to an embodiment of the present invention." (Brief Description of Drawings, col. 5, lines 44-46). A full description of Figure 5 is found at col. 14, line 56 through col. 17, line 60. A copy of Macleod Beck's Figure 5 is reproduced below. In Figure 5, Macleod Beck provides menus for "new client," "customer service, and "new orders" as well as other graphical user interface (GUI) items 141 and 143. Nowhere in Figure 5, the description of Figure 5, or elsewhere in the Macleod Beck patent, does Macleod Beck teach or suggest generating or using a command descriptor block to communicate with a device or provide a device with functionality. Therefore, Applicants respectfully submit, that Macleod Beck simply does not teach each and every limitation of Applicants' independent claims.